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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
ANDREAS PEFANIS on behalf of himself :  
and others similarly situated, :  
Plaintiff, :

-v- :

WESTWAY DINER, INC., :  
Defendant. :

08 Civ. 002 (DLC)

ORDER

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DENISE COTE, District Judge:

Based on the testimony heard and the argument of counsel at the hearing held on the record on December 29, 2009, it is hereby

ORDERED that the exclusion request forms previously submitted by current employees of defendant Westway Diner, Inc. are invalid.

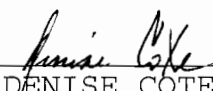
IT IS FURTHER ORDERED that curative notice shall be posted in the workplace at Westway Diner and revised exclusion request forms shall be sent to current employees who previously opted out of this class action.

IT IS FURTHER ORDERED that counsel for both parties shall submit to the Court a proposed curative notice to be posted in the workplace and a proposed revised exclusion request form to

be sent to current employees who previously opted out by **January 15, 2010**.

SO ORDERED:

Dated: New York, New York  
December 29, 2009

  
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DENISE COTE  
United States District Judge